

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

INTEGRITY EXPRESS LOGISTICS, LLC,)	CASE NO. 1:23-cv-00581
	:	
)	
Plaintiff,	:	JUDGE
)	
v.	:	
)	
NEAL GRGURICH,	:	
)	
GARY MCCUTCHEON III,	:	
)	
and	:	
)	
GD VENTURES BROKERAGE, LLC	:	
)	
Defendants.	:	
)	

**JOINT NOTICE OF REMOVAL BY DEFENDANTS NEAL GRGURICH, GARY
MCCUTCHEON, III & GD VENTURES BROKERAGE, LLC**

Please take notice that pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446, Neal Grgurich (“Grgurich”), Gary McCutcheon, III (“McCutcheon”) and GD Ventures Brokerage, LLC (“GDV”) (collectively, “Defendants”) hereby jointly remove this action from the Hamilton County Court of Common Pleas to United States District Court for the Southern District of Ohio, upon the following grounds:

1. On August 8, 2023, Integrity Express Solutions, LLC (“Plaintiff”) filed a complaint in the Hamilton County Court of Common Pleas, that action being captioned *Integrity Express Logistics, LLC v. Neal Grgurich, et. Al.*, and assigned Case Number A2303500.
2. GDV was served with summons and process on August 28, 2023. Copies of all process, pleadings and orders served upon GDV prior to removal are attached hereto.

3. Summons were sent by the court to Grgurich and McCutcheon on August 21, 2023, but service was not perfected. Counsel for Grgurich and McCutcheon agreed to accept personal service on September 13, 2023.

4. Grgurich, McCutcheon, and GDV are being defended by the same counsel, and consent to the removal.

5. The above-captioned case is subject to removal under 28 U.S.C. § 1441(b) because the district court has original jurisdiction over this action based on diversity jurisdiction under 28 U.S.C. § 1332(a).

6. Based on the Complaint, and upon information and belief, Defendants state that Plaintiff is, and was at the time of service of the Summons and Complaint, a limited liability company organized under the laws of Ohio with its principal place of business and headquarters in Cincinnati, Ohio.

7. On the date of filing the instant Complaint and continuing to date, Grgurich and McCutcheon are both individuals citizens of the state of South Carolina, and domiciled therein.

8. On the date of filing the instant Complaint and continuing to date, GDV is a limited liability company organized under the laws of the state of South Carolina, which is also the state of its headquarters and principal place of business.

9. A substantial part of the alleged events or omissions giving rise to the claims alleged in Plaintiff's Complaint allegedly occurred in this district, permitting venue in this district pursuant to 28 U.S.C. §1391.

10. Defendants reserve the right to object to and challenge jurisdiction and/or venue, and do not hereby consent to any jurisdiction or venue by this removal.

11. Plaintiff's Complaint states four claims for relief: Breach of Agreement against Grgurich and McCutcheon, Breach of Fiduciary Duty against Grgurich and McCutcheon, Misappropriation of Trade Secrets against Grgurich and McCutcheon, and Misappropriation of Trade Secrets against GDV.

12. Based on the allegations and relief sought in Plaintiff's Complaint, the amount in controversy exceeds the jurisdictional requirement for diversity jurisdiction as to the Defendants.

13. This Notice of Removal is filed within 30 days after completion of service of the Complaint on the Defendants.

WHEREFORE, the Defendants Neal Grgurich, Gary McCutcheon III, and GD Ventures Brokerage, LLC, pray that the Civil Action No. A2303500 pending in the Hamilton County Court of Common Pleas sitting in Cincinnati, Ohio, be removed therefrom to the United States District Court for the Southern District of Ohio, and proceed as an action properly removed thereto.

Respectfully submitted,

/s/ Theresa L. Nelson
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